

United States District Court
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

LBS INNOVATIONS LLC

v.

AARON BROTHERS, INC., ET AL.

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Case No. 2:11-cv-142

ORDER GRANTING EXTENSION

Before the Court is Plaintiff's Emergency Motion for Extension of Time to File Response to Summary Judgment Motion (Doc. No. 259).¹ Plaintiff argues that Defendants have either delayed producing representatives for deposition or produced witnesses not knowledgeable about deposition topics. Plaintiff also contends that document production up to this point has been insufficient. Plaintiff believes that additional depositions and document production are required in order to adequately respond to the summary judgment motion of noninfringement. Consequently, Plaintiff requests an extension until September 20, 2012 to file its response.

As Defendants highlight, Plaintiff never states what specific information is necessary for it to file its response. The Court is unconvinced that Plaintiff will be prejudiced and unable to provide an adequate response to the motion. Discovery in this case has been open for over a year. Yet Plaintiff provides no explanation for its delay in taking discovery. The Court will not grant a lengthy extension when Plaintiff fails to specifically identify the information it needs. The Court encourages the parties to continue the discovery process absent Court intervention. But in the interests of justice and efficiency, the Court **GRANTS** a limited extension to file a response to

¹ Plaintiff filed its motion for extension on August 21, 2012. The deadline for filing a response to the motion for summary judgment was August 20, 2012. Plaintiff provided no explanation for its delay. A motion for extension of time which is the result of a failure to timely comply with the Court's Scheduling Order does not warrant a motion for extension to be identified as an emergency motion.

the motion for summary judgment of noninfringement. The deadline for filing a response is **September 6, 2012**.

It is SO ORDERED.

SIGNED this 30th day of August, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large initial "M".

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE